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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,363	08/27/2001	Thomas A. Saksa	10011180-1	5070

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EXAMINER

COHEN, AMY R

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,363

Applicant(s)

SAKSA, THOMAS A.

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,12-16,18,20-23 and 27-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,2,4-9,12-16,18,20-23 and 27-33 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-9, 12-16, 18, 20-22, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al. (U. S. Patent No. 5,825,995) in view of Coulter et al. (U. S. Patent No. 4,233,749).

Wiklof et al. discloses a measurement and marking device, comprising: a housing (102); a position sensing assembly (126) mounted in the housing and adapted to sense a position of the housing relative to an object (141) as the housing is moved along a surface of the object (Col 6, lines 6-42); a printhead assembly (110) mounted in the housing and adapted to print (112) on the surface of the object as the housing is moved along the surface of the object (Col 3, lines 55-63); a controller (124) mounted in the housing and communicating with the positional sensing assembly and the printhead assembly, wherein the controller is adapted to operate the printhead assembly to print a mark on the surface of the object based on the position of the housing relative to the object as the housing is moved along the surface of the object (Col 4, lines 28-45), a user interface (128) mounted on the housing and communicating with the controller (Figs. 1-2), the user interface including an input configured for operation by a user (Col 4, lines 28-44 and Col 5, lines 50-57), wherein the housing has a first side (114) adapted to be oriented substantially parallel with the surface of the object as the housing is moved along the surface of the object and includes a first opening (150) formed in the first side and a second opening (113) formed in the

first side, wherein the positional sensing assembly communicated with the first side of the housing through the first opening and the printhead assembly communicates with the first side of the housing through the second opening (Fig. 1).

Wiklof et al. discloses the measurement and marking device whereon the controller is adapted to operate the printhead assembly to print a plurality of markings on the surface of the object at predetermined intervals as the housing is moved along the surface of the object (Col 3, line 64-Col 2, line 13).

Wiklof et al. discloses the measurement and marking device wherein the plurality of markings represent on of standard measurement and scaled measurements (Col 13, lines 21-56).

Wiklof et al. discloses the measurement and marking device wherein the printhead assembly is adapted to print at least one of graphics and text of a surface of the object as the housing is moved along the surface of the object (Col 1, lines 54-66 and Col 4, lines 45-65).

Wiklof et al. discloses the measurement and marking device wherein the position sensing assembly includes a wheel (116) rotatably mounted in the housing (Fig. 3), wherein the wheel is adapted to contact the surface of the object and rotate as the housing is moved along the surface of the object, and wherein the controller is adapted to determine the position of the housing relative to the object based on the rotation of the wheel (Col 6, lines 25-63).

Wiklof et al. discloses the measurement and marking device wherein the positional sensing assembly includes an optical sensor (163) mounted in the housing (Fig. 3), wherein the optical sensor is adapted to sense the surface of the object as the housing is moved along the surface of the object (Col 6, lines 25-63).

Wiklof et al. discloses a measurement and marking device wherein the printhead assembly includes a plurality of orifices formed in a front thereof (plurality of printing elements

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would have a plurality of orifices for the ink to come out), wherein the front face communicates with the first side of the housing (Col 4, lines 1-13).

Wiklof et al. discloses the measurement and marking device comprising a power supply (198) mounted in the housing (Col 7, lines 50-64) wherein the power supply supplies power to the measurement and marking device (Fig. 4).

Wiklof et al. discloses a method of printing a measurement marking on an object, the method comprising: moving a housing along a surface of the object (Col 17, lines 19-36), including orienting a first side of the housing substantially parallel with the surface of the object (Fig. 1); sensing a position of the housing relative to the object with a positional sensing assembly (126) mounted in the housing and communicating with the first side of the housing through a first opening (150) in the first side of the housing (Col 17, lines 19-36); and printing the measurement marking on the surface of the object with a printhead assembly (110) mounted in the housing and communicating with the first side of the housing through a second opening (113) in the first side of the housing (Col 18, lines 1-10).

Wiklof et al. discloses the method wherein the step of printing the measurement marking on the surface of the object includes printing a plurality of measurement markings on the surface of the object at predetermined intervals Col 18, lines 1-10 and lines 25-35).

Wiklof et al. discloses the method wherein printing the plurality of measurement markings includes printing one of a plurality of standard length units and a plurality of scaled length units on the surface of the object (Col 13, lines 21-56 and Col 18, lines 16-24).

Wiklof et al. discloses the method wherein the step of printing the measurement marking on the surface of the object includes printing at least one of graphics and text on the surface of the object (Col 1, lines 54-66 and Col 4, lines 45-65).

Wiklof et al. discloses the method wherein the step of moving the housing along the surface of the object includes contacting the surface of the object with a wheel (116) rotatably mounted in the housing and rotating the wheel relative to the housing, and wherein the step of sensing the position of the housing includes determining the position of the housing relative to the object based on rotation of the wheel (Col 6, lines 25-63).

Wiklof et al. discloses the method wherein the step of moving the housing along the surface of the object includes sensing the surface of the object with an optical sensor (163) mounted in the housing (Col 6, lines 25-63).

Wiklof et al. discloses a method of transferring a measurement of a first object to a second object, the method comprising: moving a housing (102) along a surface of the first object (141), including orienting a first side (114) of the housing substantially parallel with the surface of the first object (Col 17, lines 19-36); sensing a position of the housing relative to the first object with a positional sensing assembly (126) mounted in the housing and communicating with the first side of the housing through a first opening (150) in the first side of the housing as the housing is moved along the surface of the first object; locating a feature of the first object, including recording the position of the housing at the feature of the first object (Col 17, line 19-Col 18, line 6); moving the housing along a surface of the second object, including orienting the first side of the housing substantially parallel with the surface of the second object (Col 17, lines 19-36 and Col 2, lines 8-29); sensing a position of the housing relative to the second object with the positional sensing assembly as the housing is moved along the surface of the second object (Col 17, line 19-Col 18, line 6 and Col 2, lines 8-29); and printing a mark representing the feature of the first object on the surface of the second object with a printhead assembly (110) mounting in the housing and communicating with the first side of the housing through a second opening (113) in the first side of the housing when the position of the housing relative to the

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second object coincides with the position of the housing at the feature of the first object (Col 18, lines 7-15 and Col 2, lines 8-29).

Wiklof et al. does not disclose a measurement and marking device and method of printing wherein the controller is adapted to record the position of the housing relative to the object when the input of the user interface is operated by the user; comprising receiving and storing a predetermined position for printing of the measurement marking at a controller within the housing.

Coulter et al. discloses a measurement and marking device (Fig. 1) wherein the controller (34) is adapted to record the position of the housing relative to the object when the input of the user interface is operated by the user (Col 2, lines 39-67).

Coulter et al. discloses the measurement and marking device wherein the positional sensing assembly is adapted to sense a position of the housing relative to a first object and measure a dimension of the first object as the housing is moved along a surface of the first object, wherein the positional sensing assembly is adapted to sense a position of the housing relative to a second object as the housing is moved along a surface of a second object, and wherein the controller is adapted to operate the printhead assembly to print the mark on the surface of the second object based on the dimension of the first object and the position of the housing relative to the second object as the housing is moved along the surface of the second object (Col 2, line 39-Col 3, line 48 and Col 5, line 11-Col 6, line 53).

Coulter et al. discloses the measurement and marking device wherein the controller is adapted to operate the printhead assembly to print the mark on the surface of the second object based on the position of the housing relative to the first object when the input is operated by the user and the position of the housing relative to the second object as the housing is moved along a surface of the second object (Col 5, line 11-Col 6, line 53).

Coulter et al. discloses a method of printing a measurement parking on an object, the method comprising: comprising receiving and storing a predetermined position for printing of the measurement marking at a controller within the housing, printing the measurement marking when the position of the housing relative to the object corresponds to the predetermined position (Col 2, lines 39-67).

Coulter et al. discloses a method of transferring a measurement of a first object to a second object, the method comprising: receiving user input at a feature of the first object and recording the position of the housing at the feature of the first object with a controller (34) mounted in the housing (Col 2, lines 39-67 and Col 5, line 11-Col 6, line 53).

Coulter et al. discloses the method wherein the step of sensing the position of the housing relative to the first object includes measuring a dimension of the first object, wherein locating the feature of the first object includes measuring at least one of a dimension to the feature of the first object and a dimension of the feature of the second object, and wherein printing the mark on the surface of the second object includes printing the mark on the surface of the second object when the position of the housing relative to the second object coincides with the at least one of the dimension to the feature of the first object and the dimension of the feature of the first object (Col 2, lines 39-67 and Col 5, line 11-Col 6, line 53).

Coulter et al. discloses a measurement and marking device and method wherein the positional sensing assembly is adapted to measure a dimension of a first object as the housing is moved along a surface of the first object, and wherein the controller is adapted to operate the printhead assembly to print the mark on a surface of a second object at the dimension of the first object as the housing is moved along the surface of the second object (Col 2, lines 39-67 and Col 5, line 11-Col 6, line 53).



Coulter et al discloses a measurement and marking device and method, wherein the positional sensing assembly is adapted to measure a dimension of a first object as the housing is moved along a surface of the first object, and wherein the controller is adapted to operate the printhead assembly to print the mark on a surface of a second object at predetermined intervals within the dimension of the first object as the housing is moved along the surface of the second object (Col 2, lines 39-67 and Col 5, line 11-Col 6, line 53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the measurement and marking device of Wiklof et al. to be adapted to record the position of the housing relative to the object when the input of the user interface is operated by the user and receive and store a predetermined position for printing of the measurement marking, as taught by Coulter et al., so that the measurement and marking device would accurately print at preselected positions determined and inputted by the user (Coulter et al., Col 1, lines 40-53).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 2, 4-9, 12-16, 18, 20-22, 27-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (703) 305-4972. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (703) 308-3875. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

ARC  
October 20, 2003



Diego Gutierrez  
Supervisor Examiner  
Tech Center 2800